

Message Text

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ACTION EUR-12

INFO OCT-01 IO-10 ISO-00 DIWY-01 EB-07 CU-04 OES-05 HEW-06

CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03 NSAE-00 NSC-05

PA-02 PRS-01 SP-02 SS-15 USIA-15 COME-00 SIL-01 LAB-04

OMB-01 /108 W

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INFO AMEMBASSY BONN

AMEMBASSY BRUSSELS

AMEMBASSY COPENHAGEN

AMEMBASSY DUBLIN

AMEMBASSY THE HAGUE

AMEMBASSY LUXEMBOURG

AMEMBASSY OSLO

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USMISSION GENEVA

USMISSION OECD PARIS

AMCONSUL BELFAST

AMCONSUL EDINBURGH

AMCONSUL LIVERPOOL

UNCLAS SECTION 01 OF 02 LONDON 19776

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TAGS: ELAB, SOCI, UK

SUBJECT: A FAIR SHAKE FOR WOMEN: FOR EQUAL OPPORTUNITY
AND AGAINST SEX DISCRIMINATION

SUMMARY - AS INTERNATIONAL WOMEN'S YEAR COMES TO A CLOSE,

A NEW DEAL FOR WOMEN IN BRITAIN BEGINS -- IN TERMS OF THE

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COMING INTO EFFECT TODAY (DEC. 29) PROVISIONS OF THE
EQUAL PAY ACT AND MOST PROVISIONS OF SEX DISCRIMINATION

ACT. THESE LAWS, TAKEN TOGETHER, WILL PROVIDE THE BASIS FOR IMPROVEMENT IN THE STATUS AND CONDITION OF WOMEN IN BRITAIN, ALTHOUGH -- AS IN OTHER COUNTRIES INCLUDING THE UNITED STATES -- THE MAJOR TASK WILL BE TO CLOSE THE GAP BETWEEN THE LAW AND ITS EFFECTIVE ENFORCEMENT -- OR BETWEEN THE WORD AND THE DEED. END SUMMARY.

1. THE TWO ACTS, WHICH ARE COMPLEX DOCUMENTS, SHOULD BE DEALT WITH TOGETHER. THE EQUAL PAY ACT WHICH ACTUALLY WAS PASSED IN 1970 BUT WHICH ALLOWED EMPLOYERS UNTIL TODAY (DECEMBER 29) FOR FULL IMPLEMENTATION, HAS BEEN CRITICIZED FOR ITS LIMITATIONS BY TRADE UNIONS AND WOMEN'S GROUPS. IN SHORT, IT CALLS FOR EQUAL TREATMENT FOR WOMEN WITH MEN WHERE THE WORK WOMEN ARE DOING IS THE SAME OR ROUGHLY EQUIVALENT TO THAT OF MEN. CONVERSELY, MEN HAVE COMPARABLE RIGHTS. UNDER THE LAW DISCRIMINATION IS BANNED IN COLLECTIVE AGREEMENTS, EMPLOYERS' PAY STRUCTURES AND STRUCTURES AND STATUTORY WAGE REGULATIONS WHICH CONTAIN PROVISIONS WHICH COVER MEN ONLY OR WOMEN ONLY.

2. THE SEX DISCRIMINATION ACT DEALS WITH EDUCATION, THE PROVISION OF HOUSING AND GOODS, FACILITIES AND SERVICES AS WELL AS EMPLOYMENT. UNDER THE EMPLOYMENT PROVISIONS OF THIS ACT IT WILL BE AGAINST THE LAW TO DISCRIMINATE ON SEX GROUNDS ALONE IN THE RECRUITMENT OF NEW EMPLOYEES, MALE OR FEMALE, OR IN THE TREATMENT OF EXISTING EMPLOYEES. A NEWLY FORMED EQUAL OPPORTUNITIES COMMISSION, UNDER THE DIRECTION OF ETTY LOCKWOOD, A FORMER LABOR PARTY WOMEN'S OFFICER, AND HER DEPUTY, LADY HOWE, WIFE OF THE CONSERVATIVE SHADOW CHANCELLOR OF THE EXCHEQUER SIR GEOFFREY HOWE, WILL ADMINISTER THE ACT.

3. THE MAJOR ROLE THE SEX DISCRIMINATION ACT, IN THE WORDS OF ROSS DAVIES, A BRITISH EXPERT IN THE FIELD OF SEX DISCRIMINATION (AUTHOR OF ".WOMEN AND WORK") WILL BE TO "ILLUMINATE SOME OF THE BLIND SPOTS OF THE EQUAL PAY ACT." FOR EXAMPLE, THE SDA CALLS ON EMPLOYERS TO GIVE WOMEN THE SAME TRAINING OPPORTUNITIES AT WORK AND PRE-EMPLOYMENT COURSES AS THOSE AVAILABLE TO MEN. FROM TODAY,

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WOMEN NO LONGER CAN BE DISCRIMINATED AGAINST IN WORK-SHIFTS, DISMISSALS, OR SHORT-TIME WORK. EMPLOYERS UNDER THE LAW CANNOT REJECT YOUNG UNMARRIED GIRLS FOR SENIOR JOBS SIMPLY ON THE BASIS THEY MAY LEAVE THE FIRM AFTER MARRIAGE. INDUSTRIES WHICH EMPLOY WOMEN ALMOST EXCLUSIVELY -- SUCH AS GARMENT FIRMS -- WILL BE ASKED TO DEMONSTRATE THAT THEY ARE NOT SIMPLY USING WOMEN AS A SOURCE OF CHEAP LABOR. TRADE UNIONS, TRADE ASSOCIATIONS AND PROFESSIONAL ASSOCIATIONS WILL NOT BE ABLE TO REFUSE WOMEN MEMBERSHIP ON THE BASIS OF SEX.

4. HOWEVER, THERE ARE AMBIGUITIES AND PITFALLS AND IN SOME CASES, PERHAPS EVEN DETRIMENTAL ASPECTS FOR WOMEN WHICH COULD FLOW FROM THESE LAWS. ACCORDING TO DAVIES, EMPLOYERS HAVE BEEN USING THE FIVE YEAR DELAY IN THE IMPLEMENTATION OF THE ACT TO NEGATE THE MEANING OF THE LAW BY, FOR EXAMPLE, "LOADING THE JOB EVALUATION EXERCISES IN ORDER TO REGRADE JOBS TO THE DEGREE THAT THEY ARE 'LIGHT' OR 'HEAVY' SO AS TO DISCRIMINATE AGAINST WOMEN IN THE RATE PAYALE." ANOTHER OBSERVER ALSO SUGGESTS THAT WHERE INDUSTRY HAS BEEN SET UP IN DEVELOPMENT AREAS BECAUSE WOMEN'S WAGES ARE LESS THAN MEN'S, THE NEW LAW COULD

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PRECIPITATE CLOSURES. FRANK FIELD, DIRECTOR OF THE LOW PAY UNIT, AN INDEPENDENT GROUP DEDICATED TO PUBLICIZING THE PLIGHT OF THE POORLY PAID, CALLS THE LAW A "CRUEL IRONY FOR THREE OUT OF FOUR WOMEN." HE CITES A NUMBER OF WAYS HE EXPECTS EMPLOYERS TO EVADE THE LAW, AND HE
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DECLARIES THAT WHILE WOMEN'S BASIC WAGES HAVE RISEN BECAUSE OF THE EQUAL PAY ACT THEY HAVE NOT INCREASED TO MATCH MEN'S EARNINGS.

5. THE NEW LAWS, MOREOVER, DO NOT HAVE UNIVERSAL APPLICATION. MINING AND SPORTS WILL BE SINGLE SEX PRESERVES, AND IN EFFECT THE ACT WILL EXEMPT SINGERS, ACTORS, MASSEURS, LAVATORY ATTENDANTS, INDIVIDUALS WORKING ON SHIPS OR REMOTE CONSTRUCTION SITES AND OTHERS. WHILE NEWSPAPERS FROM TODAY WILL HAVE TO BE CAREFUL ABOUT DISCRIMINATION IN ADVERTISEMENTS, A PLAYBOY "BUNNY GIRL," AS THE FINANCIAL TIMES (DECEMBER 29) NOTES, CAN BE ADVERTISED AS SUCH "BECAUSE A MALE 'BUNNY' WOULD NOT BE 'AUTHENTIC' UNDER THE TERMS OF THE ACT."

6. THE EQUAL OPPORTUNITIES COMMISSION, WHICH WILL BE BASED IN INDUSTRIAL MANCHESTER, WILL HAVE ITS WORK CUT OUT FOR IT. IT WILL ULTIMATELY HAVE A STAFF OF 400 AND A BUDGET OF 2.25 MILLION POUNDS TO COVER ITS OPERATIONS, INCLUDING A NUMBER OF REGIONAL OFFICERS. ITS TOP DIRECTORATE, MS. LMCKWOOD AND LADY HOWE, REPRESENT AN EFFEC-TIVE BI-PARTISAN TEAM. DISPUTES FLOWING FROM THE EMPLOY-MENT PROVISIONS OF THE SDA AND THE EPA WILL BE REFERRED TO INDUSTRIAL TRIBUNALS BY ANY PARTY. TRIBUNALS MAY DE-CLARE THE RIGHTS OF THE PARTIES, RECOMMEND ACTION OR AWARD COMPENSATION. THE "LONDON TIMES" EDITORIALIZES (DECEMBER 29) THAT "COMPLETE EQUALITY BETWEEN THE SEXES COULD ONLY COME TO PASS IF A PROFOUND TRANSFORMATION TOOK PLACE IN SOCIAL ATTITUDES TO FAMILY LIFE AND RESPONSIBI-LITY." IT CAUTIONS THAT EQUAL OPPORTUNITIES COMMISSION AGAINST TRYING TO DO TOO MUCH TOO FAST" AND ADDS "IF IT MAKES ITS PRINCIPAL BUSINESS THE CLEAR-CUT OBSTACLES THAT FACE INDIVIDUAL WOMEN AT WORK, AT SCHOOL AND IN FINANCIAL SERVICES, THE SOCIAL REVOLUTION MAY BE TRUSTED TO TAKE CARE OF ITSELF "

7. FULL TEXTS OF THESE ACTS WILL BE POUCHED AS SOON AS
AVAILABLE.

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